

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-217551

DATE: January 29, 1985

MATTER OF: MBA Container Corporation

DIGEST:

Protest of procurement by Clerk of House of Representatives is dismissed where contingent funds of House are used. GAO settlement of accounts involving contingent funds is limited by 2 U.S.C. § 96 (1982), and GAO bid protest jurisdiction was, at the time the protest was filed, based on authority to adjust and settle accounts.

MBA Container Corporation (MBA) protests the award of a contract for corrugated boxes by the Clerk of the United States House of Representatives (House). MBA contends that it submitted the low responsive bid, but that samples of its containers were improperly determined to not meet the specifications.

On the date that this protest was filed, our bid protest jurisdiction was based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. § 3526 (1982). Audio Technical Services, Ltd., B-201299, Dec. 10, 1980, 80-2 C.P.D. ¶ 422.


We have been advised that the funds used for this procurement are from the contingent fund of the House. Our authority to settle accounts involving this contingent fund is limited by 2 U.S.C. § 5 (1982), which provides that:

"No payment shall be made from the contingent fund of the House of Representatives unless sanctioned by the Committee on House Administration of the House of Representatives. Payments made upon vouchers approved by said Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government: Provided, That no payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the House of Representatives."

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In view of the conclusiveness of the certification language contained in this statute, it is clear that our consideration of the protest would serve no useful purpose. Marty's Floor Covering, B-194384, June 25, 1979, 79-1 C.P.D. ¶ 452.

We dismiss the protest.



Comptroller General
of the United States